

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BYRON ARNOLD, et al., Plaintiff, v. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL TORT CLAIMS CENTER; et al. Defendants.	1:24-cv-01388-KES-BAM ORDER REQUIRING PLAINTIFFS TO FILE COMPLETED APPLICATIONS TO PROCEED IN FORMA PAUPERIS OR PAY FILING FEE WITHIN THIRTY DAYS Completed IFP Due: December 20, 2024
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Plaintiffs Byron Arnold and Kimbly Arnold, proceeding *pro se*, filed this civil action on November 13, 2024. (Doc. 1.) The same day, Plaintiff Kimbly Arnold filed an application to proceed *in forma pauperis* (“IFP”). (Doc. 1, 2.) However, as there are deficiencies with the IFP application and Plaintiff Byron Arnold has not filed an IFP application, the Court will direct Plaintiffs to **each** file a new and separate application.

First, under item 2 on the IFP application, Plaintiff Kimbly Arnold writes that their gross pay or wages are “\$1300” and their take-home pay or wages are “\$1300,” but does not specify the pay period or the employer’s name and address as required on the form. (Doc. 2 at 1.) Under item 7, which required Plaintiff to name all persons dependent on Plaintiff for support, Plaintiff’s relationship to each person, and how much Plaintiff contributes to their support,

1 Plaintiff simply wrote “Byron Arnold.” (*Id.* at 2.) Plaintiff Byron Arnold submitted no IFP
2 application or other financial information. (*See* Docs. 1-2.)

3 Under 28 U.S.C. § 1915(a)(1), a *pro se* plaintiff may proceed without prepayment of fees
4 by submitting “an affidavit that includes a statement of all assets such [person] possesses that the
5 person is unable to pay such fees or give security therefor.” *See Flores v. California Corr.*
6 *Women’s Facility*, No. 1:19-cv-1509-NONE-JLT, 2020 WL 8821643, at *1 (E.D. Cal. June 24,
7 2020) (noting that § 1915(a)(1) applies to non-prisoner plaintiffs). Without knowing each
8 Plaintiffs’ financial circumstances, the Court cannot conclude that they are unable to pay the
9 \$405.00 filing fee for this case. Accordingly, the Court will require **each Plaintiff** to file a
10 complete application that addresses the deficiencies listed above.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Clerk of Court is directed to mail each Plaintiff a form IFP application. (Form
13 AO 240);
- 14 2. Plaintiffs shall complete this IFP application, accurately, truthfully, and
15 completely answering all questions and shall file the form by no later than **December 20,**
16 **2024.** Alternatively, Plaintiffs may pay the \$405.00 filing fee to proceed with this case;
- 17 3. No extension of time will be granted without a showing of good cause; and
- 18 4. The failure to comply with this order may result in dismissal of this action,
19 without prejudice.

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21 IT IS SO ORDERED.

22 Dated: November 15, 2024

23 /s/ Barbara A. McAuliffe
24 UNITED STATES MAGISTRATE JUDGE
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